

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUL 22 2014

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TAM QUANG DO,

Defendant.

2:13-CR-0066-LRS-1

Preliminary Order of Forfeiture

IT IS HEREBY ORDERED THAT:

As the result of the Defendant's wire fraud convictions and pursuant to his stipulation, filed herein on July **, 2014 (ECF No. ***), Defendant, TAM QUANG DO, shall forfeit to the United States, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the wire fraud offenses, as listed below:

CONVEYANCES

-1993 Honda Accord, VIN# JHMCB7555PC040447; and,

-2002 Ford Taurus, VIN# 1FAFP55U82G232151

U.S. CURRENCY

-\$6,583 U.S. currency seized by the U.S. Secret Service pursuant to a federal search warrant, on or about April 26, 2013, from the residence of Defendant TAM QUANG DO.

The Court has determined, based upon the Defendant's conviction and stipulation, that the above-listed assets are subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461; and, that the United States has established the requisite nexus between such assets described above and such offense(s).

Upon the entry of this Order, the United States Attorney General (or a designee) is authorized to seize the above-listed assets subject to forfeiture, whether held by the

1 Defendant or a third party, and to conduct any discovery proper in identifying,
2 locating or disposing of property subject to forfeiture, in accordance with Fed. R.
3 Crim. P. 32.2(b)(3).

4 Upon entry of this Order, the United States is authorized to commence any
5 applicable proceeding to comply with statutes governing third party rights, including
6 giving notice of this Order.

7 The United States shall publish notice of the order and its intent to dispose of
8 the property in such a manner as the United States Attorney General may direct. The
9 United States may also, to the extent practicable, provide written notice to any person
10 known to have an alleged interest in the property listed above. Any person, other than
11 the above-named Defendant, asserting a legal interest in the above-listed property
12 may, within thirty (30) days of the last date of internet posting of notice, or by the date
13 indicated on direct notice, if sent, whichever is earlier, petition the court for a hearing
14 without a jury to adjudicate the validity of his/her alleged interest in the above-listed
15 forfeited assets and for an amendment of the order of forfeiture, pursuant to 21 U.S.C.
16 § 853(n), as incorporated by 18 U.S.C. § 981 and 28 U.S.C. § 2461(c).

17 Any petition filed by a third party asserting an interest in the above-listed
18 forfeited assets shall be signed by the petitioner under penalty of perjury and shall set
19 forth the nature and extent of the petitioner's right, title, or interest in said property,
20 the time and circumstances of the petitioner's acquisition of the right, title or interest
21 in said assets, and any additional facts supporting the petitioner's claim and the relief
22 sought.

23 Pursuant to Fed. R. Crim. P. 32.2(b)(4), this Preliminary Order of Forfeiture is
24 final as to the Defendant at the time of sentencing, and is made part of the sentence
25 and included in the judgment. If no third party files a timely claim, this Order shall
26 become the Final Order of Forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2).

27 After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A)
28 and before a hearing on the petition, discovery may be conducted in accordance with

1 the Federal Rules of Civil Procedure upon a showing that such discovery is necessary
2 or desirable to resolve factual issues.

3 The United States shall have clear title to the above-listed assets following the
4 Court's disposition of all third-party interests, or, if none, following the expiration of
5 the period provided in 21 U.S.C. § 853(n)(2), as incorporated by 18 U.S.C. § 981 and
6 28 U.S.C. § 2461(c), for the filing of third party petitions.

7 The Court shall retain jurisdiction to enforce this Order, and to amend it as
8 necessary, pursuant to Fed. R. Crim. P. 32.2(e).

9 ORDERED this 22nd day of July, 2014.

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11 Lonny R. Suko
12 Senior United States District Judge

13 Presented by:

14 Michael C. Ormsby
15 United States Attorney

16 s/Sean T. McLaughlin

17 Sean T. McLaughlin
18 Assistant United States Attorney
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